

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Michael J. Young, Jr., #35851,

Plaintiff,

vs.

Nole S. Dow, Investigator; and City of
Columbia Police Department,

Defendants.

C.A. No.: 3:08-1702-RBH

ORDER

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Joseph R. McCrorey, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

No objections were filed to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any

explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge McCrorey's Report and Recommendation and incorporates it herein. It is therefore

ORDERED that the defendants' motion to dismiss and/or summary judgment [docket #26] is hereby **GRANTED** in part and **DENIED** in part. Plaintiff's § 1983 claims against CCPD are **DISMISSED**. Plaintiff's claim for alienation of affection are **DISMISSED**. Defendants are granted summary judgment as to plaintiff's property claims. Defendants' motion to dismiss this action as a sanction for plaintiff's failure to cooperate with discovery is **DENIED**, and this action is **STAYED** as to plaintiff's remaining § 1983 claims (false arrest and coerced interrogation) during the pendency of plaintiff's criminal (stalking, murder and attempted murder) proceedings until conviction or dismissal by the State trial court. The parties are directed to notify the Court upon disposition of the State criminal matter. Defendants' motions to compel (docket #'s 20 and 22) are **DENIED** with the right of defendants to refile these motions, if necessary, after the stay is lifted.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. BRYAN HARWELL
United States District Judge

Florence, South Carolina
March 6, 2009